



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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January 20, 2015

By Hand and ECF

Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Cuttler et ano. v. National Flood Insurance Program et al.* ,
(Bianco, J.)(Brown, M.J.) Civil Action No. CV-13-6577

Dear Magistrate Judge Reyes:

This Office represents the Defendants in the above action.

The Mediator, Plaintiffs, and Defendants jointly request that Your Honor's November 17, 2014 scheduling order be modified to extend the date for completion of mediation from February 27, 2015 to March 31, 2015.¹

Consistent with the February 27, 2015 mediation completion date set forth in the scheduling order, the Mediator and Counsel for the parties agreed in December 2014 that the mediation would take place on January 27, 2015. However, Plaintiffs have not provided Defendants with a proper demand and detailed description of Plaintiffs' position pursuant to Case Management Order No. 13 ("CMO 13"). As a result, Defendants will not be able to meaningfully participate in a mediation on January 27, 2015. The Mediator has ordered Plaintiffs to comply with their CMO 13 obligations no later than January 23, 2015. Assuming

¹ This request is being addressed to Your Honor, as Your Honor issued the scheduling order, which provided that no more extensions would be granted. However, an extension is necessary for the reasons set forth herein.

that Plaintiffs comply with that order, Defendants would be prepared to participate in a mediation during the week of February 23. However, Plaintiffs' counsel has represented that Plaintiffs will be traveling outside of the United States for the entire month of February. Accordingly, the Mediator and the parties have agreed that the mediation will proceed on March 10, 2015, subject to Your Honor's granting of this request. The parties are requesting that the date for completion of mediation be extended to March 31, 2015 in the event that the mediation, for some currently unforeseen reason, cannot take place, or cannot be completed, on March 10.

This request is the first request to extend the deadline for completion of mediation.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

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